

REMARKS

Consideration of this Preliminary Amendment is requested prior to the substantive examination of the above-captioned application.

The purpose of the foregoing Preliminary Amendment is two-fold.

First, in accordance with the Rules, Applicants have amended the specification to specifically reflect the fact that this application is a Division of United States Patent Application Serial No. 09/606,282, entitled OPTICAL DISC HAVING PITS OF DIFFERENT DEPTH FORMED THEREIN, OPTICAL DISC DEVICE FOR REPRODUCING THE SAME, AND METHOD OF REPRODUCTION, filed June 29, 2000 by Nakajima, et al.

Second, Applicants, by the foregoing Amendment have canceled claims 1-4 (the elected Group I invention in the parent application) and claims 5-33 (the non-elected Group II invention in the parent application) as originally filed in the parent of this application. The remaining Claims 34-41 constitute the non-elected Group III invention of the parent application. It is the purpose of this divisional application to obtain substantive examination of the non-elected Group III invention of the parent application.

Early consideration and allowance of the above-captioned application is respectfully requested.

Applicants also believe that additional fees beyond those submitted herewith are not required in connection with the consideration of this response to the currently outstanding Official Action. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge and/or credit Deposit Account No. **04-1105**, as necessary, for the correct payment of all fees which may be due in connection with the filing and consideration of this communication.

Respectfully submitted,

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